

REMARKS

Applicants have carefully reviewed the Office Action. Claims 1 and 6-21 are pending in the application. Claims 1 and 6-21 are rejected. Claims 2-5 have previously been canceled without prejudice or disclaimer. Claims 16 and 19 are amended to put the pending claims in condition for allowance. No new matter is added. Reconsideration of the outstanding rejections in the present application are requested based on the following remarks.¹

Claims 1, 6-15, 20, & 21 Rejected under 35 U.S.C. 112, First and Second Paragraphs

Claims 1, 6-15, 20, and 21 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action asserts that "Applicant has amended claim 1 to incorporate the following limitation: 'in response to tagging, processing the new sales lead information by the lead processing portion in the event that the new sales lead information is determined to be an agent generated lead and deleting the new sales lead information as an agent generated lead **in the event the new sales lead information is determined to be a non-agent generated lead.**" (Emphasis in original). The Office Action recites the following paragraphs:

[0199] In accordance with one embodiment of the invention, a new lead validation process takes new leads and performs various processing on the new leads. For example, it may be the situation that a new lead was entered by a sales agent. The validation process compares the lead information against an established marketing responder database. If the process determines that there are "matches" to the new lead, then the new lead is not immediately loaded into the new lead database. Instead, the new lead might be suitably coded as a "duplicate" lead. For any duplicate leads, the particular lead might be subject to agent and/or sales management review. **Such persons might compare the "agent generated" lead with the previous lead, which appears to be a duplicate, to determine the submitting agent's entitlement to the lead as an "agent generated" lead.** For example, an agent generated lead might be created when a client refers the agent to a relative of the client, i.e., thus generating a sales lead. An agent generated

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

lead may typically result in a higher commission rate to the particular agent for that lead. As used herein, a "sales management person" is a person that has some oversight authority in the handling of leads by the agents and the securement of sales based on those leads, for example.

[0206] In step 262, a sales management person and/or an agent person reviews the attributes of the new lead. Then, in step 266, a determination may be made whether the new lead should be made available to the agent as agent generated business, i.e., if the lead was indeed submitted as an agent generated lead. If the process, which typically involves human input, determines that the lead should not be made available to the agent as an AG lead, the process passes to step 267. In step 267, the agent is made aware of the adverse decision and deletes the "agent generated lead" prospect, i.e., the agent knows that they will not get the higher commission rate. In accordance with one embodiment of the invention, the processing of that particular lead ends in step 267.

[0207] A variety of factors may be considered in determining whether an agent should receive a higher commission, even though a particular new lead is a duplicate. For example, the history of the earlier lead may be viewed by appropriate persons to see if the same agent worked on the lead, i.e., as is now submitting the duplicate lead as new business. If the agent had not worked on the lead, then the duplicate lead might never-the-less be deemed to be agent generated business. Alternatively, if the agent had worked on the lead before, then the duplicate lead would not be deemed to be agent generated business.

[0208] Alternatively, in step 266 of FIG. 26, the process may determine that even though the lead is technically a duplicate, it is still appropriate to designate the lead as agent generated business. Accordingly, if yes in step 266, the process passes from step 266 to step 268. In step 268, the lead is flagged to be coded as an agent generated lead. The agent's commission will be affected accordingly. After step 268, the process passes to step 270, and proceeds as described above.

[0209] The method of the invention as shown in FIG. 26 and described above can be used to efficiently and consistently ensure "agent generated" leads are properly evaluated by sales management and that a resulting commission or commissions, which are paid to a requester agent, is accurate. As described above, the agent generated lead is tagged accordingly as an "agent generated lead."

US. Patent Application 2004/0143482, para. [0199] and [0206] - [0209]. (Emphasis in Office Action). The Office Action further asserts that:

The Examiner asserts that there is no disclosure for determining that a tagged duplicate lead is a non-agent generated lead. The specification discloses factors relating to determining whether an agent should receive a higher commission on a duplicate lead and does not discuss a determination or handling of a "non-agent generated lead". In fact, all leads discussed with regard to tagging and handling

of duplicates appear to be agent generated leads. The consideration is only whether the agent deserves the higher commission.

Office Action, pp. 3-4. When a disclosure describes a claimed invention in a manner that permits one skilled in the art to reasonably conclude that the inventor possessed the claimed invention the written description requirement is satisfied. *MPEP* §2163. This possession may be shown in any number of ways and an Applicant need not describe every claim feature exactly because there is no *in haec verba* requirement. *Id.* Rather, to satisfy the written description requirement, all that is required is “reasonable clarity.” *Id.* at § 2163.02. Also, an adequate description may be made in any way through express, implicit, or even inherent disclosures in the application, including words, structures, figures, diagrams, and/or formulae. *Id.* at §§ 2163(I), 2163.02. Finally, it is important to be mindful of the generally inverse correlation between the level of skill and knowledge in the art and the specificity of disclosure necessary to satisfy the written description requirement. *Id.* at § 2163(II)(A)(2) (inventions in “predictable” or “mature” require a lesser showing of possession than inventions in more “unpredictable” arts).

Applicant submits that one of ordinary skill in the art would reasonably conclude that Applicant’s disclosure adequately described the claimed invention at the time of filing at least because:

- (1) the feature of the determining if the lead is a non-agent generated lead is at least impliedly taught by the present application as it was originally filed; and
- (2) art to which the claimed invention belongs is mature and the predictable nature of the art mandates a generally lower showing of possession.

A review of the present application reveals that “non-agent generated lead” is supported. *Inter alia*, Figure 26 shows a new lead validation process. *US Patent Application 2004/0143482*, para. [0044]. The process as shown in Figure 26 and described in the specification, “can be used to efficiently and consistently ensure ‘agent generated’ leads are properly evaluated by sales management and that a resulting commission or commissions, which are paid to a requester agent, is accurate.” *Id.* at para. [0209]. During this process, in step 262, “a sales management person and/or an agent person reviews the attributes of the new lead.” *Id.* at para. [0206]. “Then, in step 266, a determination may be made whether the new lead should be made available to the agent as agent generated business, i.e., if the lead was indeed submitted as an agent generated lead.” *Id.* Thus, in step 266, the lead is being verified as an agent generated lead or as a non-

agent generated lead. If the lead is not verified as an agent generated lead, e.g., it is a non-agent generated lead, then in step 267 “the agent is made aware of the adverse decision and deletes the ‘agent generated lead’ prospect.” *Id.* If the lead is verified as an agent generated lead, then in step 268 “the lead is flagged to be coded as an agent generated lead.” *Id.* at para. [0208]. Therefore, those of ordinary skill in the art would understand that such a disclosure at least implies that if the lead is determined not to be an agent generated lead (e.g., a non-agent generated lead), then the lead is deleted, especially in view of the maturity and predictability of the subject art.

In view of the foregoing, Applicant respectfully submits that ordinarily skilled artisans would reasonably conclude that Applicant possessed the claimed “deleting the new sales lead information as an agent generated lead in the event the new sales lead information is determined to be a non-agent generated lead” on the basis of the aforementioned implicit descriptions. Applicant further submits that this conclusion is buttressed by the maturity and predictability of the art and because an adequate disclosure need not be express or even implied. Thus, the present application adequately describes the claimed invention.

Claims 1, 6-15, 20, and 21 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. *Office Action*, p. 4. Specifically, the Office Action asserts that:

Claim 1 contains the limitation ‘deleting the new sales lead information **as an agent generated lead** in the event the new sales lead information is **determined to be a non-agent generated lead.**’

It is unclear what is deleted. Is just the reference to the agent generated lead deleted, or is the entire lead deleted? It appears initially that the lead is determined to be an agent generated lead, therefore it is unclear how it can then be determined to be a non-agent generated lead. Is there a process that categorizes leads as either agent or non-agent leads? Further, the term “non-agent generated lead” is unclear. In view of the portion of the specification which discloses the validation of leads with duplicate checking, there is no guidance as to a definition of a “non-agent generated lead” therefore it is unclear how this term should be construed.

Office Action, p. 4. (Emphasis in original). As recited above regarding the 35 U.S.C. § 112, first paragraph, “non-agent generated leads” is clear.

Step 250 of Figure 5 is a validation process and is shown in further detail with the process shown in Figure 26. With respect to Figure 5, in step 250, “an initial validation process is performed on the new lead. In particular, the validation process of step 250 is directed to a lead that has been initiated by an agent, i.e., so as to constitute agent generated business.” *U.S. Application 2004/0143482*, para. [0111]. “In particular, the lead validation portion 49 considers whether a new lead submitted by an agent is a duplicate lead or is correctly considered ‘agent generated business’...” *Id.* at para. [0070]. The specification further recites that “It is particularly important to determine whether such a lead is a valid non-duplicative lead due to agent commissions. That is, an agent may well obtain a higher commission for business that the agent herself generates, as opposed to sales from leads that the company generates.” *Id.* Figure 26 is a flowchart showing the details of step 250, e.g., new lead validation. In step 256, “the process determines whether the new lead matches with an existing lead.” *Id.* at para. [0205]. If the lead matches, then in step 260, “the lead is tagged as a duplicate lead.” *Id.* In step 262, “a sales management person and/or an agent person reviews the attributes of the new lead.” *Id.* at para. [0206]. In step 266, a determination may be made whether the new lead should be made available to the agent as agent generated business, i.e., if the lead was indeed submitted as an agent generated lead.” *Id.* “If the process, which typically involves human input, determines that the lead should not be available to the agent as an AG lead, the process passes to step 267.” *Id.* “In step 267, the agent is made aware of the adverse decision and deletes the ‘agent generated lead’ prospect...” *Id.* Thus, the validation process validates whether an agent generated lead is an agent generated lead or is a duplicate lead, e.g., a non-agent generated lead. Since agents receive higher commissions for agent generated leads, step 250 validates whether the lead should be an agent generated lead.

With respect to the deletion, the “agent generated lead” prospect is deleted. *Id.* In other words, the lead is deemed to be a duplicate lead and is deleted. For example, the lead is deleted from the list of leads that have been assigned to the agent. *See, e.g.,* Figure 18 and/or para. [0177] - [0180].

Thus, for at least these reasons, the claim language of claim 1, as well as, dependent claims 6-15, 20, and 21, is definite. Therefore, withdrawal of these rejections is respectfully requested.

Rejection of Claim 16 under 35 U.S.C. § 103(a)

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application 2002/0035504 to Dver *et al.* ("Dver"). Claim 16 is amended to put this claim in condition for allowance with the rest of the allowed claims. Specifically, claim 16 is amended and contains substantially similar claim language as claim 1, e.g., "in response to tagging...." Therefore, claim 16 should be allowed over Dver for the same reasons that claim 1 is patentable over Dver. Therefore, the undersigned representative will not address the arguments with respect to claim 16 and reserves the right to address these arguments at a later time.

Withdrawal of the rejection of claim 16 is respectfully requested.

Rejection of Claims 17 & 18 under 35 U.S.C. 103(a)

Claims 17 and 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Dver in view of U.S. Patent 6,374,242 to Lambert. Since claims 17 and 18 are dependent on independent claim 16, these claims are allowable for the same reasons. Therefore, the undersigned representative will not address the arguments with respect to claims 17 and 18 and reserves the right to address these arguments at a later time.

Withdrawal of the rejection of claims 17 and 18 is respectfully requested.

Rejection of Claim 19 under 35 U.S.C. 103(a)

Claim 19 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Dver in view of U.S. Publication 2003/0229504 to Hollister ("Hollister"). Claim 19 is amended to put this claim in condition for allowance with the rest of the allowed claims. Specifically, claim 19 is amended and contains substantially similar claim language as claim 1. Therefore, claim 19 should be allowed over Dver and Hollister for the same reasons that claim 1 is patentable over Dver. Therefore, the undersigned representative will not address the arguments with respect to claim 19 and reserves the right to address these arguments at a later time.

Withdrawal of the rejection of claim 16 is respectfully requested.

CONCLUSION

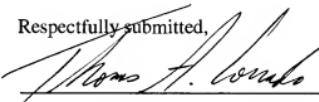
The foregoing is submitted as a full and complete Response to the Non-final Office Action mailed July 14, 2008, and early and favorable consideration of the claims is requested. If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or if there are any other issues which may be resolved by telephone interview, a telephone call to the undersigned attorney at (703)714-7448 is respectfully solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0206, and please credit any excess fees to such deposit account.

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